believe any one of them. Instead of giving concrete suggestions on how to proceed, they are trying sometimes t_0 create confusion. I don't think the country will be benefited by this.

Sir, I do not want to take much time of the House. I would only submit that the Bill has received the valuable support from all sections of the House; particularly I thank the Opposition Members for their wholehearted support. With these words, Sir, I conclude.

SHRI RAOOF VALIULLAH: I had mentioned about the drought surcharge. I just want to kn,ow, whether the Government is considering ihe _ levy of a drought sur-charge like the expenditure tax on conspicuous consumption, air travel, air-conditioned travel lin the train, etc.

SHRI JANARDHAN POOJARI: Sir, the hon. Members, Particularly Mr. Valiullah and some other Members made valuable suggestions. For the information of the hon. Member, I may say that whenever we take a decision, you people are coming into our mRnd and your suggestions are noted when the action is being taken.

THE VICE-CHAIRMAN (SHRI JAGESH DESAI): The question is:

"That the Bill to provide for the levy of a tax on expenditure incurred in certs in hotels, as passed by the Lok Sabha, be taken into consideration."

The motion *Was adopted.*

THE VICE-CHAIRMAN (SHRI -- JAGESH DESAI): We shall now take up clause-by-clause consideration of the Bill.

Clauses 2 *to* 33 *were added to the Bill,*

Clause 1, *the Enacting Formula and the Title were added to the Bill.*

SHRI JANARDHAN POOJARI; Sir, I move:

"That the Bill be returned."

The question was put and the motion was adopted,

THE LEGAL SERVICES AUTHO. RITIES BILL, 1987

THE MINISTER OF STATE IN THE MINISTRY OF LAW AND JUSTICE (SHRI H. R. BHARDWAJ); Sir, I beg to move;

"That the Bill to constitute legal se'rvices authorities to provide free and competent legal services to the weaker sections of the society to ensure that opportunities for securing justice are not denied to any citizen by reason of economic or other disabilities and to o'rganise Lok Adalats to secure that the operation of the legal system promotes justice on a basis of equal opportunity, as passed by the Lok Sabha, be taken into consideration."

Sir, article 39A of the Constitution provides that the States shall secure that the operation of the legal system promotes justice on the basis of equal opportunity and shall in particular provide free legal aid by suitable legislation or scheme or in any other way to ensure that opportunities for securing justice are not denied to any citizen by reason of economic or other disabilities.

In pursuance of the above objectives, the Government constituted two expert committees, one in 1973 headed by Shri Justice V. R. Krishna Iyer, the then judge of the Ke'rala High Court and a Member of the Law Commission of India, and the other in 1976, headed by Shri Justice P. N. Bhagwati, the then judge of the Supreme Court. In the light of the recommendations contained in the reports submitted by these committees of the Government a commit-

[Shri H. R. Bhardwaj]

tee known as the committee for implementing lgeai aid schemes was constituted by the Government in September 1980, under the chairmanship of Shri Justice P. N. Bhagwati, the then Judge *of* the Supreme Court to implement and monitor the legal aid programmes on a uniform basis throughout the country. This committee has since then been reconstituted from time to time and at present Shri Justice R. S. Pathak, Chief Justice of India is it3 Patron-in-Chief. The legal aid programme evolved by the CILAS has been followed by all the State Governments and some union territories. A large number of poor people have been provided free legal aid throughout the country. Lok Adalats have also gained considerable popularity in many States and a large number of cases have been settled amicably. On the basis of experience gained in the implementation of the various schemes including the Lok Adalats and the meeting that the CILAS had with the chiefs of legal and advice boards of the States etc. the committee for implementing legal aid schemes recommended that the legal aid programmes should be given a statutory base, the question of enactment of a suitable legislation has been dicussed at meetings of the Consultative Committee of Members of Parliament attached to the Ministry of Law and Justice since 1985. It was also discussed at the meeting of the State Law Ministers convened by the CILAS in October, 1986. Suggestions have been received from other eminent persons including the Chairman of the Law Commission of India.

Taking into consideration these and other suggestions made, the Government has finalised a Bill which has the following salient features: (a) There would be a legal services authority at the national, state and district levels. The national authority will advise, coordinate and monitor the State legal services authorities and the District legal services authorities and will be the main agency to extend legal aid to the poor, (b) The national authority will be mainly financed from the funds allocated to it by the Central Government while the State and District authorities will be financed by the State Governments. The national authority will also extend financial -help to the State legal aid and advice boards as well as voluntary agencies for specific schemes, (c) At the rational level es well as at the State and District level the authorities will have legal aid funds for meeting the cost of the legal aid of the deserving persons and for meeting other expenses of the persons concerned. The National Authority would function under the Chief Justice of India assisted by serving or retired judge of the High Court and other eminent persons in the field of legal aid as may be appointed by the Government. Similarly, the State Legal Services Authority would be headed by the Chief Justice of the concerned High Court or his nominee and other eminent persons as members may be appointed by the State Government.

The Bill also lays down the criteria for entitlement to legal aid. However, persons belonging to weaker sections of the society, namely, the Scheduled Castes, the Scheduled Tribes, women, -children etc. would be entitled to free legal aid without any income ceiling. In the case of others, income ceiling has been laid down.

In a separate chapter on Lok Adalat, it is provided that every award of Lok Adalat shall be deemed to be a decree of the Civil Court and where a settlement has been arrived at in a suit or proceedings transferred to it from a court, the court fee paid shall be refunded. The Lok Adalat will have for the purpose of holding any enquiry, the same powers as are vested in a Civil Court while trying a suit.

Thus, in keeping with the mandate contained in article 39 of the Constitution the Bill is intended to give a statutory base to the legal aid nro-grammes operating in various States

in the country so as to make them more effective and also to confer more powers on Lok Adalats which are voluntary efforts for settling disputes within parties quickly and at a minimum cost and at their doorsteps. I hope this Bill will have the unanimous approval of the House. I commend the Bill for consideration of the House.

The question was proposed.

SHRI GHULAM RASOOL MATTO (Jammu and Kashmir): Mr. Vice-Chairman, I thank you for accommodating me as the first speaker. Mr. Aladi Aruna has also accommodated me because I have to go to hospital.

Sir, the Bill called The Legal Services Authorities Bill, 1987 is before us for consideration. Since I came here 5-1/2 years ago, two things loomed large in the discussions whenever an opportunity arose. First was legal aid to the poor and the second was about accumulation of cases in courts. Now, to my mind, this Bill seeks to plug these two things. It provides for legal aid to the poor and it also, through the medium of Lok Adalats minimises the burden on the courts. This should, K. therefore, have ordinarily been supported by all sections of the House. Personally, though I am an ally of the Congress, on the merits of the Bill itself I very much support it and congratulate the Minister for having brought forth this Bill. The hon. Minister in his speech mentioned about article 39(A) of the Constitution. What does this article say? This is in the Directive Principles of State Policy. It says: "Equal justice and free legal aid—The State shall secure that the operation of the legal system promotes justice, on a basis of equal opportunity, and shall, in particular, provide free legal aid, by suitable legislation or schemes or in any othe, way, to ensure that opportunities for securing justice are not denied to any citizen by reason of economic or other disabilities." This Bill precisely seeks to do what these Directive Principles of State Policy envisage.

Having given my unstinted support to the Bill I would for a moment like to take the role of opposition, because opposition is not here at the moment and I would ask a few questions with regard to this Bill. The hon. Minister in his speech mentioned about Justice V. K. Krishna Iyer. Justice Krishna Iye'r has come out with statement in the press yesterday wherein he has stated as under:—

> "While seeking to fulfil article 39A of the Constitution which provides for equal justice and free legal aid, the Bill is in direct contravention to article 50 which seeks to separate the judiciary and the executive.

This is one objection raised by Justice Krishna Iyer and then he says:

> And therein lies its maor flaw. In a bid to make the judiciary a mere appendage of the executive, the Bill makes the Chief Justice of India the 'pafron-in-chief of the Central authority, which; in effect, is a governmental statutory authority, constituted to exercise the powers and functions of the Act."

Now the second objection is as under:

> "High Court judges will be guided by such directions as the Central government the State 'government or the Central authority may give in writing. The same holds true for district judges as well."

The third objection is.

> "The Bill states in clauses 5, 3 and 11 that the judges wherever appropriate shall act in coordination with other governmental and non governmental agencies.. .The key phrase whe'rever appropria"°, how ever has been left vague and unex plained. These extraordinary judges, therefore, stand in danger of violating their oath of perform-

[Shri Ghulam Rasool Matto]

ing without fear or favour, affection or ill-will."

Then the other objection is:

"More frightening than the Tribunal's proposed during the emergency, the lok adalats constituted under this Bill will be empowered to even transfer cases from the Supreme Court. Further, they will have unbounded powers over all civil, criminal or revenue court or any tribunal constituted under any law.

en he says:

"The Bill does not even fulfil its basic premise of providing free and competent legal services to the weaker sections of society. Though it clearly states that any person receiving less than Rs. 9000/- will be entitled to free legal aid, it does not specify whether this earning is per month or per year. More important, this legal document passed by the Lok Sabha has excluded rural workers from the list of those entitled to receive legal services."

Then Justice Krishna Iyear wants to state:

"Even the Law Minister, H. R. Bhardwaj admitted while introducing the Bill that the CILAS (Committee for Implementation of Legal Aid Schemes on which the Bill is based) has deficiencies. Why then the attempt to put the deficiencies on a statutory basis.

He also states:

"Is not constitutional coercion taking away the State's authority ^regarding its consolidated fund?"

Then he says:

"This is an invitation for litigation about the constitution of auhorities themselves."

Most important, the Bill creates quasi-judicial organs of unbounded jurisdiction (clauses 20—22). Judges to these courts will be appointed by these new executive authorities rather than the Governor in consultation with the High Court. This violates articles 233 and 234 of the Constitution. They will work under these new executive bodis which will unconstitutionally take them away from the supervision of the High Courts under article 235."

Then he says:

"And there will be no appeal from the decision of such an adalat. These new courts are even more frightening than the tribunals proposed during the emergency.

Lastly, Sir, he says:

"This Bill raises constitutional issues of sufficient importance for it to be referred to a joint committee It is sufficiently badly thought through so that further opinion is elicited. If Parliament presists in passing a legislation which is patently unconstitutional, the President should refer it back for reconsideration with the Cabinet •re-examining the dubious provisions. If the President is in some doubt, he should refer the Bill for an advisory opinion from the Supreme Court."

These are all the objections that could be raised against the Bill. Now as I said, I support the Bill. But this is what the Opposition could have said about it. So I request the hon. Minister that, while replying to the dahate, he should cogently 'reply, to all these points which have been ' raised by Justice Krishna Iyer, so that the country knows that this is a Bill which is for the poor and which seeks to do legal justice to a large number of people, that it is in fact for the common man and is not intended to be unconstitutional. He will kindly throw light on this.

SHRI H. R. BHARDWAJ: If the hon. Membdr permits me a little • intervention. Sir, it is very necessary because it will save other speakers from speaking on the same points. As I mentioned at the outset, this whole Bill is the result of two earlier ,. Committees constituted by the Government—one in 1973 and the other in 1976. Justice Krishna Iyer himself headed the first Committee and I will briefly quote from his own report about the constitution of this authority. I am reading para 210-211 (para 9) of what Justice Krishna Iyer has said;

> "We therefore favour that the adoption of a device or a statutory corporation should serve this end. The Act may provide for the incorporation of the All India Body and empowering it to lay down broad policies to make grants to the State Bodies and for exercising overall supervision of their work. The All India Body may well be styled as the National Legal Services Authority."

This is precisely the name we have given it.

> "Similarly the same statute should establish corporations for supervising the detailed working of the legal aid in each State or Union Teritory".

Here the same pattern we have given.

> "Below the State Body, there would be a number of committees at the District level.. ."

So we have given district committees also. I am quoting verbatim in — quotation. Now, Sir, I will quote about the participation of the Judges in this legal aid programme. Again I am quoting from this book. You can borrow it from me and read it. As regards participation of the Judges in the National Authority, on page 217 this is what Justice Krishna Iyer has said. I hope he does not disown it now. The Judge has said this in this report on page 217:

> "It may be headed by the Chief Justice of India"_____

He himself suggested this.

> but we feel that it should have a separate Executive Chairman who would be responsible for the day-to-day working of the authority".

Wu have given the Chief Justice of India as the Patron-in-Chief and we have another Chairman.

> "He may be nominated by the Government in consultation with the Chief Justice and may be styled as the Executive Chairman or the Director General...."

We have got the same provisions that he shall be nominated by the Government in consultation with the Chief Justice of India.

> "He should be a person who has been or is qualified to be a judge of the Supreme Court."

This is precisely the qualification of the Executive Chairman that he is or has been a judge.

> "In addition, the Authority should consist of a Judge of the Supreme Court nominated by the Chief Justice."

I do not know how this unwarranted criticism of the Judges' participation has come into the mouth of Justice Krishna Iyer. Perhaps he is having the political hang-over of his recent Presidential election.

SHRl BIR BHADRA PRATAP SINGH (Uttar Pradesh); Sir, I would welcome this Bill because I feel this is a serious effort to introduce measures for simplification of the Indian 1 system which has otherwise become very cumbersome. I am also of the opinion that this will bring the

[Shri Bir Bhadra Pratap Singh]

concept of justice nearer to the doorstep of every litigant. But whether the provisions of the Bill will succeed or not cannot be said just *now.* Only when it is tested by time and when practical difficulties are faced can we say that, because this is not the first attempt. In fact, in he recent past, the Congress Party movement itself was very much for the implementation of such legal aid programmes. I am reminded of attempts by the National Forum of Lawyers and the Legal Aid Committee which was formed as one of the sub-committees of the All-India Congress Committee with Shri Jag-jivan Ram as its Chairman, and the Committee held one of its conferences during the Chandigarh session of the All-India Congress Committee. That was an attempt by the All-India Congress Committee. Subsequently, mini-courts were held in Bombay where a lot of disputes were resolved and ShVi Rajani Patel, the then President of the Bombay Pradesh Congress Committee, actually tried to give a practical shape to this movement. So, the movement very well formed a part of the movement of the Indian National Congress, but it was] not confined to the Indian National Congress itself. Many social organizations also came forward with the need for the demand of such a movement. But the more important thing is, why was it so?

One thing which is mentioned in the Statement of Objects and Reasons Appended to this Bill is that the Indian litigation system had evolved a system where expenditure was very high. It is not the case that the poor man could afford it, but sometimes it is the middle-class people who could not afford ft, to which the honourable Minister has made a reference in the Statement of Objects and Reasons. But one thing, probably, he has not emphasized—though^ by implication it is there—and it is that to resolve the long-drawn-out litigation listing has become one of the worst parts of the Indian litigation system. To provide justice to poor litigants, to give legal aid to the poor and providing them with the legal machinery was only one part. But this long-drawn-out litigation has be. come an inherent part of the Indian legal system, and right from lawyers, everybody has been a party to it. That was one major problem which the honourable Minister of Law will have to think seriously about. I do not know whether this Bill is going to tackle this aspect of the matter.

My honourable friend, Mr. Matto, has gone away. When the honourable Minister was quoting Justice Krishna Iyer, I thought he would make some comments on the existing law and say what his views on Order 23, Rule 3 of the Code of Civil Pro. eedure were, because this is the first legislation on the subject. Before this legislation, for every civil litigation there were only two provisions of law in the Indian statutes. One was Order 23, Rule 3 of the Civil Procedure Code according to which, where the parties come to an adjustment, they can go to a court of law and file their adjustment on which the Court may be pieased to award a decree or refuse a decree. The second provision of law that wag already in existence was the Indian Arbitration Act. I think all the movements for legal aid, before this Bill, were confined to these two legal provisions, namely, Order 23, Rule 3, of the Civil Procedure Code and the Indian Arbitration Act. ... *(Interruptions)...* These were the two provisions of law which v/ere adopted by the Legal Aid Committees when they worked at various levels in the States. But now it is forming part of a social movement a legal reform movement. In the Code of Criminal Procedure also these are provisions and they are, offences which •are compoundable at the will of the party and offences that are compound-able with the permission of the Court.

SHRI SHANKARRAO NARAYAN. RAO DESHMUKH (Maharashtra): There are no rules under the Cr. P.C.

SHRI BIR BHADRA PRATAP SINGH: I am emphasising the point how the litigating parties, the fighting parties, the quarrelling parties, even under the Criminal Procedure Code, could compound the matter or the litigation. The Code of Criminal Pro. cedure has given a list of compound-able offences without the permission of the court and offences compound-able with the permission of the court. Great jurists like Shr] Krishna Iyer and other jurists have made a criticism in the light of the Constitution. I think these two provisions of law were pre.Constitution laws, statutes, rather all the three. If compromise outside the court of by an adjudication machinery is provided by law, then, the work of our Code would be violative of any Fundamental Rights. Then, those should have been struck down, they would have ben taken notice of. I think, he was not correct in making such a contention.

There are two difficulties which I would like to place before my hon. Law Minister. The normal judicial structure for civil litigation and criminal litigation in this country is by the hierarchy of courts, the Civil Litigation Munsiff. the Civil Judge, the District Judge, th_e High Court Judge. Now after the Constitution you can come un to the Supreme Court under article 136 by special leave. That was the case with legal justice. But I am telling you on the basis of my exper. ience. Don't think that if some adjustment was made in a civil litigation under Order 23, rule 3, then, there is no scope for litigation. It is not a correct proposition. My seniors used to teach me how to get this compromise, decree and others by a separate suit. The question is. once the adjustment takes place outside the court and a decree is passed, then, the parties are at liberty to file a separate suit for cancellation without decrees on false statement, misrepresentation, so on and so forth. So, it is not the provisions of law which can restrict the scope of litigation, which I want 936 RS—5.

to bring to the notice of the hon. Minister, and that is why I have given an example. Likewise in cases of arbitration, even after the parties have consent :d to make a litigation to the jurisdiction of a jury, whether he is an individual or it is an institution, even after the litigation, one could litigate innumerable times.

So, my own purpose was that the hon. Law Minister must seriously consider because Justice Krishna Iyer has pointed out that you have not made an appellate provision against a decree because once the Lok Adalat gives a decision, automatically he gets a decree. I think, it will be appellable. At least, in any case, I do not suggest that you, under article 136, must go direct to the Supreme Court. But some kind of judiciary review should have been thought of because, otherwise, we do not know, after some time, after experience, we may learn that faul's have started accruing out of it also. So, this requires, I think, an appellate scope for some kind of a judiciary review of this judgement.

How to really cut down? This is one of the Lok Adalat's adjudication. It is one of the methods to shortem the period of time. But, whether it will become really useful or not. whether it will serve the purpose or not or whether it will open new, other avenues or not must be considered seriously by the hon. Minister.

Thank you very much.

*SHRI N. RAJANGAM (Tamil Nadu: : Mr. Vice-Chairman Sir, I welcome this bill for I am sure that this will provide justice to the lower strata of the society. In the year 1973, a Committee was formed under the Chairmanship of Justice Krishna Iyer to offer suggestions for providing free legal aid t_0 the down trodden and some neglected sections of the society. Even sub-Committees were appointed. After careful scrutiny of

♦English translation of the original speech delivered in Tamil.

[Shri N. Rajangam] the wide range of suggestions offered, a law was enacted in Parliament. As the Government has, through various reports and analytical studies, come to know of certain deficiencies in the existing act, it has now come to this House with another hill. I sincerely commend this Government for the 6ole reason that those unfortunate neglected lot, who are denied equality in many walks of life of the society, would henceforth, get timely justice at least at the merciful hands of the Judiciary.

In the year 1967, when late Dr-Anna, assumed the office of the Chief Minister of Tamil Nadu made a >_ate-gorical statement urging the need to revamp the entire gamut of tha -judiciary. He reminded the nation of the eighteenth century America where stringent laws were passed denying equal justice to the Negroes only to be revoked in the twentieth century. We are aware of the American history and we also know how the Negroes were bought by the Whites as "laves in those days. I would like to remind this august House of the verdict of the Supreme Court of the United States in the Eighteenth century that took the entire world by concussion. It passed a decree that buying of Negroes as slaves is not an offence that can be challenged in a court of law. The court further has gone down into the Judicial history stating that a man who bought a Negro had every right to employ tha Negro in any profession *no* matter whether the latter wishes or not. But, when the same kind of issue was taken to the same court in the nineteenth century the court held that no man, however great in status or stature, could buy another man, no matter how low the unfortunate person is placed in the society. I wish only to hammer home the drastic and radical change that the American Judiciary has gone through. Th$_e$ court went to extent of saying that this kind of crime is an injustice against humanity.

The great leader of the Dravidian Movement Dr. Anna, because of his augural insight, cited such samples and pleaded for revamping the entire judicial system in our country- Because of his adroit understanding, he could comprehend the ineffectiveness of the judiciary in different manifestations and declare that the interests of the underdogs ought be protected through specific legislation, lest the judiciary become the elite's cup of tea. Though, too elementary to be mentioned in this House, I wish to give an example of the working of Judiciary in the country. A rich and a poor go to a court of law. I should say, the rich drags the poor to the doors of court for no fault- of the latter. The money plays the game here. Witnesses against the poor are produced and the offender, the rich, goes scot free while the poor is put behind the bars. What I wish to say is that we become wiser only after undergoing such traumatic experience-At this point of time, a bill of this nature protecting the right of equality before law, gives us an air of jubilation reinforcing the faith in democracy. It is the land of Mahatma Gandhi and Vedas, where once truth and truth alone existed. We should at least make an attempt to rsvive it. I hope this bill is a sincere attempt towards this goal.

Dr. Anna also offered valuable suggestions t$_0$ the judges of our country. He pleaded with them to take the pain of going to the remote villages of the country to personally feel the pulse, the heart beat of that ssction of people, who have become wearied due to restless work and who have hopes only beyond the horizon. He further said that then and then only the judges, when they adorn their thrones of justice, would be able to render justice worth its name, i personally visualise this Bill a$_s$ a realisation of that great soul's dream. I commend the Hon'ble (Minister who ha$_s$ introduced this Bill. But what ar$_e$ we to do at this stage. I have some apprehensions.

As far ae Tamil Nadu is concerned, the policy of providing free legal aid t_0 the needy, works well at different levels; the state, the district and the ta'uk levels.

fThe Vice-Chairman (Shri H. Hanumanthappa) in the Chair] / I say so assuredly because I have been involved for a long time, in taking orphans, widows and all neglected sections to these authorities for justice. Even though, hl&st of the salient features of the bill have been already working well in Tamil Nadu, I hope, beyond any shadow of doubt, that this will further widen the scope of such fre 3 and competent legal aid. We should feel happy that this bill is an embodiment of the long cherished desires of the ribble souls' of our nation.

At this stage, I wish to draw the attention of the Hon'ble Minister to a pertinent point. It is not just enough to pass the legislation and sit quiet assuming a gesture of contentment. The working of the entire machinery should be closely monitored. 1 insist on this because there have been cases where women who were deserted by their husband could not go to the court of law to seek justice for the want of money. There are cases where such women have been deprived of their chastity and their children orphaned. I feel it an insult, not to the women folk but to the humanity and to the nation as a whole. This is because, such people are looked down as onus of the society. This situation must change.

"Without pamperiag any more, I want to seek some clarifications from the Honble Minister. It is said that the needy would be provided free legal aid. But there are expenditures like, stamp-duty etc. in addition to travelling expenses to distant courts. I may be enlightened as to what the Government proposes to do with re. gard to this. And there are people who cannot sit for a day without work for the fear of starvation. What such people would do if they are to attend courts for a few days?

Dr. Anna once said to a press reporter in America that he would consider a nation rich, that has neither gold, nor pearl, nor any rich mineral but, people, who posess noble souls and place human dignity above everyhing. As such, this bill is a right step towards this direction and I feel I shall contribute my mite by support, ing this bill.

Thank you.

SHRI VEERSHETTY MOGLAPPA KUSHNOOR (Karnataka): Mr. Vice-Chairman, Sir, I welcome this Bill and support it wholeheartedly. In seventies, the Congress Government and Shrimati Indira Gandhi started several measures to uplift the weaker sections such as nationalization of banks establishement of Small Farmer Development Agency and others. This was also a part of that programme. At that time, the Government of India, appointed a Committee under the chairmanship of Mr. V. R. Krishna Iyer in the year 1973 and in 1976, under the chairmanship of Mr. Bhagwati and after both these Commitees submitted their reports, an amendment was made in the Constitution inserting Article 39(A) which has been just now read by hon. Minister for Law. That amendment was carried out on 3rd January, 1977 and on the basis of that, a Committee was appointed in the year 1980, the Implementation Committee and on the basis of these recommendations and on the basis of the recommendations of the Implementation Committee, this Bill has been drafted. Sir, I would like to mention that in Section 1, clause 3, different dates have been given for the enforcement of different provisions. I am unable to understand why should we give different dates for different provisions. Secondly, this Act should come into force immediately. The entire Act is based on rules and unless we frame the rules, this Act is not going to come into force. Even for the establishment of the National authority, fr* the establishment of State authority or even for the establishment of District authority, rules have to be framed on thei basis of those rules, these Committees are

[Shri Veershetty Moklappa Kushnoor]

going to be formed, and on the basis of the rules, action will have to be taken for legal aid and others. My submission is, we will have to frame the rules as early as pbssble, in any case within three months from the date of passing the Bill so that the Act comes into force immediately and the poor man may get the benefit of this Act.

Clause 3 of the Bill speaks about constitution of the National Legal Services Authority. Cause 3(2)(b) says, a serving or retired Judge of the Supreme Coun, nominated by the President, in consultation with the Chief Justice of India, who shall be the Executive Chairman;.." Here, I have an objection. Why should it be a retired Judge of the Supreme Court? The Supreme Court Judge retires after the age of 65. After that age, I feel, he will not be having such stamin-i as is required to work hard for the implementation of the objects of the Act. With due respect to the retired Jugdes of the Supreme Court, I would like to say that retired Judges of the Supreme Court should not be appointed for this post. Also serving Judges of the Supreme Court may not be appointed. I draw strength for this plea from an observation of hon. Shri Justice Krishna Iyer and the observation (Paragraph 47 page 22 of the report of Justice Krishna Iyer Committee) reads thus: "However, it is • not fair to implicate the top judicial personage in the day-to-day business of legal aid which will require continuing full time attention and the appointment of separate executive Chairman or Director-General is desirable. An eminent person in the field if advocacy, with social service and administrative experience and commitment to the cause of legal aid will fill the bill." In order that the objects of the law which we have advocated from 1972 may be achieved, the person appointed should have a strong conviction for the upliftment of the weaker sections of the society. He should have the conviction to serve the poor man. So I differ from clause 3(2)(b). Any person who is an eminent advocate having conviction in favour of the poor and who is a man of action should be appointed as Executive Chairman. I would also like to make these recommendations because you are going to frame the rules. The Chairman of the Bar Council of India should be an ex officio member of this national authority. At the same time, the Finance Secretary should also be a member. This will help appropr'ate allocation of financs\ for the Authority because the member will be knowing the financial implication of the services. Members of Parliament should also be members of the Authority. At least two Members from Lok Sabha and one from Rajya Sabha should *bi* there. There should also be a lady representative in this national level body.

Now, coming to clause 6, it deals with constitution of State Legal Services Authority. Here also the Chief Justice of the High Court or any other serving or retired Judge o£ the High Court nominated by the Governor will be the Chairman. I doubt whether the Chief Justice. placed as he is, can give so much o£ attent'on to this mater. He is engaged from morning to evening in his Court and with his cases. Here also as I suggested for the Central Authority, the Chairman of the State Bar Council and Members of Parliament or Members of Legislative Assembly or Council should be members. Again, oming to the District Authority some District Judges may not have mi work. But many of them are engaged in Sess'ons trying murder cases from morning to evening. They may not be able to devote much time to the task of legal aid. We must ensure that small people for whom this Act is meant do get the benefit of it. Now I come to Clause 12. Who are the persons who are going to get legal aid? Whatever you have provided for, I have no objection, I have no grievance, about it. But I wanted to know why small and marginal farmers and agricultural labourers have not been included. You have included industrial workmen. But you have not included" these small and marginal farmers who also constitute weaker sections, agricultural labourers who also constitute weaker sections. You may say those with an annual income of Rs. 9000 will be covered. When you are giving it to an in-

dusirial workers who bets Rs. 10000 oi Rs. 15000 or Rs. 20000, why have you not included these really poor People? Gin Congress has always stood for small and marginal farmers; but you have omitted this class, lhey must also be off-^orded this protection. 1 also request that armed forces too should be included in this ex-servicemen also should be given this help.

Tuen I come to Clause 13(1) ---------

"Persons who satisfy all or any ot the criteria specified in section 12 shall be entitled to receive legal services such provided that the concerned Authority is satisfied that such person has a *prima facie* case...

Now, who is going to decide that a *na prima* case exists for such and such a weaker section? Only a person who is commuted to the weaker sections can decide in their favour. Judges decide only on the basis of law as they interpret it. But I believe that only a person who is committed to the welfare of the poor, the weaker sections, will really decide the matter in favour of the weaker sections.

Then, you have provided for a National Authority, a State Authority, with powers to sanction fee to the lawyers taking up the case of the small man. But under Clause 10 in the case of a District Court it does not show whether the district authorities provide the finances to the persons who are entitled to legal aid. There is doubt in regard to this area. I want a clarification from the Minister on this question. Then again, what happens if in a suit both the plaintiff and the defendant are from weaker sections? Are you going to provide legal aid to both of them? Both the parties are poor and need legal aid. Clause 12 is not clear in such a situation. I request the Law Min ister to elarify this point also. -Some Members spoke about Justice 'Krishna Iyer. With due respect to Justice Krishna Iyer, I have to say that he has not gone deep into the provisions of this Bill, he has not seen the provisions of this measure. He says there is no mention about annual income, a fellow with a monthly income of Rs. 9000 is going to get legal ai*. No. He has not read Clause 12 (h) which categorically says -

'in receipt of annual income less than nine thousand rupees...." It is very clear in Hie Bill itself. He has commented on this: it seems he has not seen this bill. 1 have seen the report of Justice Krishna lyer. I have also seen the report of Justice Bhagwati. More or less, both are of the same view and whatever they have intended, has been included in this Bill. There might be slight differences. This is a good measure.

J now come to Lok Adalat. I am unable to understand Clause 20(1) where it is said -

if the parties thereof make a joint application to the court or tri bunal indicating their intention to com promise the matter or arrive at a settlement, the presiding officer of the court or tribunal notwithstan ding anything contained in any other law.

Here the Court which is having power under section 23 (3) should have the autnor.ty to say that the matter may be referred to a Lok Adalat only because both the parties are wanting what you call a compromise and there is a provision. If it is submited before the same court, he will have to retract that and a decree has to be passed. The Lok Adalat is only for settlement and what you call compromise. My submission that here it should be removed and the power may be given to the courts to refer it to the Lok Sabha.

With these words, Sir, I support the Bill.

THE VICE-CHAIRMAN (SHRl H. HANUMANTHAPPA): Now, Mr. Bansal. Mrs. Ela Bhatt is not here.

SHRI PAWAN KUMAR BANSAL (Punjab): Mr. Vice-Chairman, Sir, to materialise the lofty resolve of the people of India as manifested in the Preamble to the Constitution, the Congress (I) has accorded due priority to the objective of providing free legal aid to the needy. It was with this object in view that the Constitution was amended to incorporate article 39A to which reference has repeatedly been made earlier and thereafter, the Government appointed a Committe*

[Shri Pawan Kumar Bansal]

for implementing the legal aid schemes. I The work of this Committee and the achievements of the Lok Adalats in dispen- i sing quick and costfree justice have pointed to the need of providing this vital activity of far-reaching consequences with statutory clothing. It is with this end in view and in deference to the Constitutional mandate enshrined in article 39A that the present Bill, that is the Legal Services Authorities Bill, 1987, has been introduced and I must, at the very outset, compliment the Government for taking this step.

Sir, the Bill, when passed, would serve two important objects: One, it will confer a statutory right to obtain legal services on the members of the Scheduled Castes and Scheduled Tribes, women and children, victims of trafficking in human beings, victims of mass disasters, ethnic violence, caste atrocities, floods, drought, earthquake or industrial disaster and on those who are mentally ill or otherwise disabled, on industrial workmen and in those who are in custody and also on these whose annual income is less than nine thousand rupees for the lower couris and twelve thousand rupees for the cases that have to go to the Supreme Court.

Secondly, Sir, every award made by the innovative and informal Lok Adalats set up under the new Act shall be final and binding on all the parties and no appeal shall lie to any court against an award. The high-powered Committees or the Legal Services Authorities at the national, State and district levels will inspire the confidence if Ihe people to carry out the objects of the legislation which, besides the two main objects of providing legal services and organizing Lok Adalats, would also include imparting of training to social workrs in legal skills, educating the weaker sections if society about their rights, encouraging the deveopment of non-litigious approach to matters besides performing various other functions like creating awareness about the citizens' duties, etc.

Sir, the list of categories of persons en- *titled to legal* Services under the new law. is also quite exhaustive. And it is inteded to make available the benefits thereof to all the conceivable categories of normally disadvantaged sections of society. 1 agree with Mr. Kushnoor when he says that this list should have also included marginal farmers and landless rural labourers though my personal opinion is that none of the persons fall,ng in this category at the moment earns more than the stipulated limit already provided in the Bill and as such the people belonging to that disadvantaged section of society would obviously be covered by the present beneficial provisions.

Sir, this Bill would bring about a major reform in our legal system whi:h is presently loded in favour of the rich and the privieged who can afford to spend large sums of money on influential lawyers' fees as well as the heavy court fees.

The provision regarding the refund of court fees in cases transferred to the Lok Adalats is also a welcome feature. But I do fervently feel that steps should be taken to abolish court fee even in cases where the poor are dragged to the courts by the rich. This, in my humble opinion, could also be achieved by widening the definition of 'legal service' in clause 2(i) (c) of the present Bill to include specifically the payment of court Ices, though such an interpretation could be given even now to the word "any service in the conduct of any case" occurring therein.

Sir, experience shows that the legal aid schemes in the past have not proved very attractive. I know that in Punjab the Assistant District Attorneys assigned this task in the various districts remain idle for most of the time and the meagre allocation of funds can hardly meet their own salaries. I do realise the constraints on resources but still hope that adequate grants would be made to inspire confidence and make the system work by obtaining the services of competent and committed lawyers. Other means are also to be devised to generate the flow of funds to the National, State and District Legal Aid Funds to be constituted under the Act

Sir, it is very heartening to note that in contra-distinct.on of the working if the present legal system, the functioning of the Lok Adalats, though few in number, has proved to be an instant sucess. *(Time bell rings).* The presence of serving High Court Judges and other judicial officers assisted by cimpetent and well- meaning officers and social workers has inspired confidence amongst the parties to the dispute and has always goaded them to opt for expeditious and cosl-free disposal of matters which serves them of the sometimes back-breaking expense, t>me, energy and anxious moments.

The Lok Adalats have veritably revol-utionized our legal system and taken the courts to the door-steps of the pubic. Deciding cases in a summary way through the process of arbitration, negotiation and settlement between the parties, has cut down the inordinate delays in disposal of cases which otherwise result in denial of justice even to the successful party. In view of the tremendous success anl popularity of the Lok Adalats, the Government has done well to come forward with this Bill steking to provide a statutory sanction to the institution and award of Lok Adalat. Every award of the Lok Adalat would be deemed to be a decree of the civil court or order of any other court br tribunal. This would obviously expedite the decision of cases. But I do feel that it should have been further provided that no objection shall lie in proceedings regarding the execution of an award of the Lok Adalat.

An outstanding feature of the Bill is regarding the stipulation that the working of the Lok Adalat would not be bogged down by procedural technicalities, though the Lok Adala's will enjoy the power trappings and jurisdiction of regular courts - civil criminal and revenue or of any other tribunal. Enough powers would vest in the State and District authorities constituted under the new Act to organise Lok Adalats and to decide composition thereof, while every Lok Adalat shall have the necessary powers to specify and adopt its own proeedures for the deter-mination of any dispute pending before it.

THE VICE-CHAIRMAN (SHRI H. HANUMANTHAPPA); Please conclude now.

SHRI PAWAN KUMAR BANSAL: these words. I support the Bill.

SHRI V. NARAYANSAMY (PON-DICHERRY): Mr. Vice-Chairman, Sir, I thank you for having given me inis opp-ortunity to speak on this Legal Services Auhorities Bill, 1987. As per the Objects and Reasons, this Bill is intended to constitute legal services authorities to provide free and competent legal service to the weaker sections of the society to ensure that opportunities are given to everybody and justice is not denied to any citizen for economic reasons and other disabilities. Sir, I sugegst that instead of meaning 'other disabilities they should have added social disparity' and exploitation due to illiteracy and poverty' in order to make it more specific. They should have added these words because of their wider connotation because we want to help the poor who are not in a position to defend themselves.

Sir, this legal aid is being provided in all the States by the State Governments concerned and it is being successfully implemented. Sir, I was a member of the Legal Aid Committee and I came across several cases of civil and criminal nature. About 80 per cent of the cases which we had received for briefing from the parties were matrimonial cases including matrimonial offences and maintenance, property disputes among brothers and motor accidents cases. These were 80 per cent of the cases which we had received at the State level. The persons who seek legal aid are from the lower strata of society. They seek legal aid because of illiteracy and poverty. They are persons who are living in the rural areas and are not in a position to fight the cases and to defend themselves. Further, they are not aware of the legal provisions. Therefore, these Lok Adalats hav been orgainsed which help in compromising matters. As you know, litigation has become a cosily affairs nowadays. If a persons wants to go ta Supreme Court, then he must have Rs. 25000[- to enter the Supreme Court for

[Shri V. Narayansamy]

litigalion. Even in the High Court a minimum of Rs. 15000|- have to be paid to the counsel for fighting a case. Therefore, I think that this Legal Service Authorities Bill which has been brought forward has a wider scope of helping the poor who will be in a position to defend themselves. This Bill will definite!) serve the purpose. Sir, I have to seek three or four clarifications frcm ihe hon. Minister on this Bill. Sub-clause 2(b) of Clause 3 says, "Serving or retired Judge of the Supreme Court nominated by the President in consultation with the Chief Justice of Tndia". I agree with the hon. Minister's view on that. On the second aspect, I feel that a sitting Judge of the Supreme Court should be nominated and not a retired Judge. Secondly, sub-clause 20) says; "Such oilier members possessing such experience and qualifications as may be prescribed and nominated by the Central Government." Sir, I want specifically that the number of persons who should be there must be mentioned and not about their qualifications. The number of those Members who are to be there in the Committee should be mentioned and the rules can provide for the qualifications of the members. Therefore, the number of persons who are going to be there should be mentioned in the Bill itself. It is lacking here.

Sir, the other point on which I want a clarification from the hon. Minister is about the existing Lok Adalats. Now the Lok Adalats are functioning in our country at the State and district level. What will be the future of the Lok Adalats which are functioning today? I want to know whether they will be provided under Clause 11. Clause 11 provides for taking help from governmental and non-governmental voluntary agencies and such other agencies which are helping the poor. I want to know whether that will be considered under those agencies and whether that will be given a legal status. But the legal authority which is going to be formed will be in line with the provisions under the Act,

Sir, about the motor accidents, these cases are more in our country, and a provision should have been made under Clause 12 for giving legal aid to the per-sons who are involved in motor accidents. Sir, women and children have been mentioned. I have no objection for providing legal aid to the children. If the woman is an IAS officer and has got vast properties and is in a litigation Ihe Lok Adalat has to provide her the legal aid because that is provided under the Act. I want a clarification from the hon. Minister in this regard.

Sii. regarding the Union Territories, I want a clarification from the Minister. State Government includes Administrator of the Union Territory appointed by the President under article 239 of the Constitution. As far as the Union Territories are concerned, they have the courts at the district level. Only the District authority can be formed there, the State authority cannot be formed. But the Chief Justice of the particular High Court will be the Chairman of the State level committee. And if it is a Union Territory, only the district level administration will be there, the d strict authority will be conducting the Lok Adalats. Therefore, I want to know whether the State Committee will be there in the Union Territories also. Then, Sir, about the appeal, I disagree with the hon. Member, Shri Bir Bhadra Pratap Singh. He objected to the provision that th:re cannot be any appeal. Sir, the matter is ending in a compromise. And when the ma: ter is ending in a compromise, there cannot be any appeal aganist it. If a per-son feels that he is aggrieved and he has been cheald by the other person and that he has been influenced and taken to the Lok Adalat, then his remedy lies in a civil court for the purpose of setting aside the decree. That is always there. 1 welcome this cutting away of the appeal provision. As far as the Lok Adalats are concerned, the rules need not say about the periodic meetings. They should say that they should sit at least twice in a month For providing legal aid to the poor because at the State level on day in a week they are sitting and disposing of the cases. Therefore I would like to say that this is a welcome measure and dual power has i given some relating to compromise by civil courts and some for compromise

by Lok adalats. I want to know the distinction. What are the cases that will be decided by the civil courts and what cases wiil be decided by lok adalats. And then what are the cases that will be transferred from munsif court or Civil court to Lok adalats. Then for Government servants no provision has been made. So also there is no provision for working class and agriculturists. A provision has to be made for them also. With these words, Sir, I conclude and I support the Bill and 1 seek clarification from tbe Hon. Minister.

SHRI ALADI ARUNA *alias* V. ARUNACHALAM (Tamil Nadu): Mr. Vice-Chairman, Sir, in support of the Legal Services Authorities Bill, 1987 I would like to say a few words. The object of the Bill is to constitute a legal services authority to provide free and competent legal service to the weaker sections and downtrodden for securing justice without any discrimination.

Sir, it is a must important and comprehensive Bill. It is based on the principle of our Constitution. The founding fathers of our Constitution have ensured so many freedom and liberties and privileges to all the citizens of India but it is not an easy task to implement all those freedoms. We admit that certain articles of our Constitu ion have remained dead letters. But thinks to the efforts of our Law Minister I honestly believe that he has given life to certain articles. Sir, article 14 deals with equality before the law. Article 14b deals with, the rigrts of the aucused and to be defended by the legal practitioner of his choice. More than that article 39A deals with free legal aid by suitable legislation and scheme to ensure that opportunities for securing justice are not denied to any citien by reason of economic and other disabilities. Sir, these articles have so far remained dead letters. Thanks to the efforts of the Law Minister, these things now become true through this Bill.

Sir, the Bill deals with national legal service authority, State legal service authority and district legal service authority and Lok Adalats. Sir, I am to remind here lhat there are certain deviations from the recommendations of the committee on judicature which drafted the National Legal Service Bill, 1977. If you go through the National Legal Service Authority Bill, it is quite different from the draft Bill composed by Justice Bhagwati. Sir, he has in his draft. Bill *o;* model Bill given representation to three Members of Parliament, two to all-India labour and teacher associations, a woman Irom social organisations and two legal luminaries.

But, Sir, as far as the composition of the present legal service authority is concerned, all the recommendations or features of the draft Bill of the Bhagwati Committee have not been duly endorsed.

Then, Sir, you have included provisions to constitute State legal service authority. But I am to remind you, Sir, you have not allowed that institution to act freely. As you say, it brings under your control.

Sir, under section 7(1) it shall be the duty of the State authority to give direction to the policy of the Genral authority. Then the Central authority has the right; of course there must be a coordination between the Central authority and the State authority, but here is no need of giving direcions. It will prevent free actions of the State legal service. I want to say about the eligibility of the people. You have deviated from the views of justice Bhagwati. You have fixed the income but, of course, in that you have followed the norms fixed by Justice Krishna Iyer in Ins report in 1973. But Justice Bhagwati has not mentioned anything about the ceiling of the income for eligibility. He has mentioned eight categories among which he has not at all mentioned about eligibility. My friend Mr. Narayanasamy raised a very pertinent question. Therefore, what is to be evolved, must be on the basis of the principles.

I have to state on more important thing. *(Time bell).* Justice V. R. Krishna Iyer raised a point . You cannot ignore all his criticism but here I support the views of the hon. Minister when he intervened earlier. I quite agree with the views of Justice Krishna Iyer for the nomination of the judges. In his report he has stat«d

[Shri Aladi Aruna *Alias* V. Arunachalam]

that judicial presence in the organisation down the line has a wholesome influence; judges on the governing board will bring prestige, non-partisan spirit better public confidence and support for the programme. This is what Justice V. R. Krishna Iyer said. And he further said: A senior judge of the Supreme Court of India to be: nominated by the Hony. President may strengthen the judicial representation within the Council. A legal luminary and an eminent jurist has given these views but now a clearly controversial statement is being given in the press- of course, it may be politically motivated.

THE VICE-CHAIRMAN (SHRI H. HANUMANTHAPPA): I request you to conclude, because Minister has to finish his reply.

SHRI ALADI ARUNA *alias* V. ARUNACHALAM: With these observations. T conclude.

SHRI H. R. BHARDWAJ: At the outset, I must thank all the hon. Members who have participated in the debate and supported the Bill. In the Lok Sabha also I got the support of the entire House and speakers from) various parties lent their support and made some suggestions.

The first thing that we must look at is article 39A of the Constitution. It is here that the word has been used and I would like to remind my friend, Mr. Narayanasamy. He wanted to know whether we could use a better word. You will find that in the Constitution itself, the word used is: '...reasons of economic and other disabilities.' So we have bodily lifted these words in the objective of the Bill itself.

I will not take more time; I will briefly sum up the scheme and the objectives for which this Bill has been brought. It is nobody's case here; nobody can deny that today India is a vast ocean of poverty with very small dots of richness. We must accept that this is a country inhabited by poor people and for whom we have Constitutional commitments. We are all equals and we should get equal protection aud get equal rights and so on. But the fact remains that we are not equal economically and socially. That the social disparity compels us on a rethinking of the entire judicial structure and the entire administration of justice. Now, when we are fighting a battle with an unequal or a financially superior party, 3 then you necessarily need legal aid. And this issue was gone into by two committees in 1973; Justice Krishna Iyer Committee—he was, perhaps, a member of (he Law Commission or even a judge of the Kerala High Court, with vast background cf political work—gave certain ideas. Thereafter, Justice Bhagwati Committee took over and it also went into these issues and made some suggestions. So_i these two reports were metioned. But much more has been done after that. The Central Committee for implementing legal aid programme in the country has done a lot of work. I would briefly point out how much has been done during that period. That is the rich experience we have gained. You will find that through the mechanism of lok adalats only we have distributed compensation money of Rs. 31 crores among the poor people in the road accident cases and other cases. This is the amount paid to the poor people and how many litigants have benefited through the lok adalats? The number of cases is 6,14,773 up to August 20, 1986.

Now I must briefly tell you what lok adalat is. Lok adalat is nothing but a movement of the people, of Judges, of lawyers, of journalists, of social workers, social activists. They form lok Jidalats and get few cases settled out of court, Once those cases are settled in the supervision of the High Court Judges, Supreme Court Judges, even District Judges by a compromise by negotiation, the lok adalat is dissolved. There is no subsisting lok adalat in our country. It is only formed for the purpose of settling those cases which are referred to the lok adalat and the work of the lok adalat is monitored by judges, by advocates and legal luminaries. There is absolutely no thinking that lok adalat is a mechanism which will be a rival institution to the court. It is a system which is evolved for out-of-court settlement of cases, without expenses and without spending a lot of time.

A reference to section 20 of this Act has been made. It is only to entiile the party tO' refund their court fee. We have added an attraction to the Jok adalat. If a case is to be settled through lok adalat, if there is no judicial work involved the court fee should be refunded to the man because he has solved the problem outside the court. So, this is to enable the party even to recover court fee paid in a suit. So, this lok adalat is a system which ha$_s$ been tried by way of an experiment by the Central Committee on Legal Aid and it has come out as a success. A$_s$ I have said, it has done much more work than usual courts could do. That is why we have come out with this Bill.

Sir, This Bill has got a three-tier arrangement. One is the Supremo Court level which can be called as the national level. If the legal aid is to be rendered in the Supremi "ourt, the Judges of the Supreme Court have necessarily to be involved because it is they who inspire confidence. If the Chief Justice of India is the patron-in-chief, it is not that we desired it. It is the Chief Justice of India. Justice Bhagwati, who himself wrote to me a letter and I would like to quote his letter dated 8th September, 1985, which says: I would, therefore, request you to see that while issuing notification in the reconstitution of CILAS Justice Mishra is included as chairman and I am shown as patron-in-chief with full advisory capa-city.So, I do not think there is anything left after this. If the Chief Justice of India would like to contribute in the legal aid movement, I whole-heartedly welcome it. There is no question of saying that the Judges should not devoie themselves in the service of the nation. Every person, small or big, has to contribute in a movement like this. Judges cannot sit in isolation and I welcome the cooperation of the Judges. I do not know how Justice Krishna Iyer has criticised this arrangement. I would read his report, pages after pages. He has recommended that the Chief Justice of India should be the president. Here he is not the president, but the patron-in-chief. He says that the sitting judge should be involved, We have involved a sitting judge. We have left to the High Court Chief Justices to monitor it. If the Judges and lawyers are not involved in ihe legal a:d movement, I am sure, this movement wiil not inspire the confidence of the people and it will not achieve the desired results.

Then there is no question of mixing up judiciary with executive. Where is executive in this? Even there is no participation of ihe Law Minister. We have left entirely to the judiciary. We fully welcome the suggestion of the Members that the members of the Bar Council should be involved. I promise that the Bar Council would be involved in a big way. Even the Bar assiciations will be .involved, social organisations will be involved and that is how this movement will be built up. Otherwise, how can you serve crores and crores of people of this country by having only a few lawyers or a few judges? We have to involve all of them.

Lok adalat is going to be a body of respectable persons, having social status, who will negotiate with the people, who will tell the people that they should not waste money, that they should please come to out-of-court settlement of the case. That is why we have kept no appeal. Why should we have appeal in a case where a husband and wife have settled the case amicably? Where is the question of appeal?

THE MINISTER OF STATE IN THE DEPARTMENT OF POWER THE MINISTRY OF ENERGY (SHRIMATI SUSHILA ROHATGI): If I may just intervene to make one point. May I ask the hon. Minister if he would also involve the 1 adies because not only are they equal but also they should not be denied justice?

SHRI H. R. BHARDWAJ: She is an hon. Member of this House... Now please let me conclude. I wholly welcome it. That is where I started, Sir, This is not merely an Act. It is a movement which Mrs. Gandhi started in 1973. This movement gained momentum till 1976-77. We lost power and that momentum was stormed We tried to revive it in 198C

[Shri H. R. Bhardwaj]

and that is why this Bhagwati Committee came into existence and now we have concretised it in the shape of a Bill. Now wherever there is cooperation, it will be welcome.

I want to say a few things with regard "to Constitution. We have not eroded any provincial autonomy. We have given full autonomy to the States to constitute their Legal Ad Boards, completely independent. Even now States are having these. You have the best network of legal aid in Tamilnadu. We like that and many people follow the example of Tamilnadu. Rajasthan has one of the best mechanisms; so has Madhya Pradesh. All these are successful. The full figures that I have with me, I have quoted. Now I do not understand why such a measure which, is wholly necessary should be criticised. I think there is no room for criticism; there is room for improvement of the system, and that is where we need the cooperation of everybody.

Sir, once again I thank you all for giving me your cooperation.

SHRI ALADI ARUNA *alias* V. ARUNACHALAM: Just one clarification about composition. It is entirely different from the composition of the legal authority recommended by Bhagwati Committee.

SHRI H. R. BHARDWAJ: We have not accepted that recommendation.

SHRI ALADI ARUNA *alias* V. ARUNACHALAM; You have not included…

SHRI H. R. BHARDWAJ: We will give representation.

THE VICE-CHAIRMAN (SHRI H. HANUMANTHAPPA): The question is:

'That the Bill 10 constitute legal services authorities to provide free and competent legal services to the weaker sections of the-society to ensure that opportunties for securing justice are not denied to any citizen by reason of econondc or other disabilities, and to organise Lok Adalats to secure that the operation of the legal system promotes justice on a basis of equal opportunity, as passed by the Lok Sabha, be Iaken into consideration."

The motion was adopted.

THE VICE-CHAIRMAN (SHRI H. HANUMANTHAPPA): We shall now take up clause-by-clause consideration of the Bill.

Clauses 2 to 30 were added to the Bill.

Clause 1, the Enacting Formula and the Title were added to the Bill.

SHRI H. R. BHARDWAJ: Sir, I move.

"That the Bill be passed."

Tne question was put and The motion was adopted.

SPECIAL MENTIONS

Discontentment among Workers in Cement Industry

THE VICE-CHAIRMAN (SHRI H. HANUMANTHAPPA): We will now take up Special Mentions. Shri Sukomal Sen. Absent

SHRI DIPEN GHOSH (WEST BENGAL): Sir, what about the statement that Shri Bhagat promised at 5 o'clock?

THE MINISTER OF PARLIAMENTARY AFFAIRS AND THE MINISTER OF FOOD AND CIVIL SUPPLIES (SHRI H. K. L. BHAGAT): A few minutes afterwards. We may take up Special Mentions now. A few minutes afterwards from now.

श्री गुलाम रसूल मट्टू : (जम्मू और काश्मीर) महोदय, हिन्दी में कहावत है, "सुबह का भूला अगर शाम को वापस आ जाए" तो उसे भूला हुआ नहीं कहते ।

श्री नरेश सी० पुगलिया (महाराष्ट्र): उपसभाध्यक्ष महोदय, मैं सीमेंट इंडस्ट्री में काम करने वाले कामगारों की बात कहना चाहूंगा । इसके पहले भी स्पेशल मेंसन के माध्यम से यह बात उठायी गयी थी लेकिन आज चार महीने हो चुके है और इस समस्या को हमारे लेबर डिपार्टमेंट ने जिस ढंग से लेना चाहिए था नहीं लिया है । मैं कहना चाहूंगा कि हिन्दुस्तान